

505: Complaint Referral and Disposition

- A. The LTCOP shall refer a complaint or problem to another agency when:
 - 1. the resident gives permission or consent to the LTCOP to act; and
 - 2. one or more of the following applies:
 - a. another agency has resources that may benefit the resident (e.g., the Case Coordination Unit can physically relocate the resident to a desired location);
 - b. the action to be taken in the complaint is outside of the LTCOP's authority and/or expertise (e.g., Department of Public Health or Department of Public Aid takes enforcement actions);
 - c. the LTCO needs additional assistance in order to achieve resolution of the complaint; or
 - d. the resident requests the referral be made.
- B. Referrals to regulatory agencies
 - 1. a LTCO may encourage residents or complainants to directly contact the appropriate regulatory agency to file a complaint and will offer information and assistance to residents or complainants in making such contact and follow-up.
 - 2. when a LTCOP refers a complaint to the Department of Public Health or other regulatory agency, the LTCO shall:

- a. submit the complaint in writing; or
- b. contact the agency by telephone, fax, e-mail or other method and subsequently submit a confirming letter to the agency.

C. Joint investigatory activities

When the LTCOP is invited by a regulatory or law enforcement agency to assist in or provide information regarding an investigation of a facility, LTCOP participation is appropriate only under the following circumstances:

1. the LTCO is able to fulfill his or her role as a resident advocate;
2. the LTCO does not attempt to regulate a facility or take actions which would lead one to assume that the LTCOP is a regulator; and
3. the LTCO explains to facility administration and residents that his or her role is to advocate for the health, safety, welfare and rights of residents, not to enforce regulations.

D. Referrals to legal services

1. For a resident who is requesting, or in need of, legal advice and representation, the LTCOP shall assist the resident in finding appropriate legal services. LTCOs may contact Administration on Aging-funded legal services agencies, Legal Services Corporation-funded legal services agencies, Equip for Equality, the Office, and/or the IDoA Legal Services Developer, for information regarding such legal services.

2. When the legal services provider is unable to provide the requested legal service, a Regional LTCOP may provide the resident with a list of private attorneys who may provide the service or make a referral to a local bar association. No Regional LTCOP shall make referrals to or recommend a single private attorney without the approval from the SLTCO.
 3. Referral to an attorney is considered referral to an investigating agency unless it is a personal injury case. In such cases the complaint will be closed by the Regional LTCOP, unless the resident specifically requests continued LTCO involvement.
- E. Referral to a different Regional LTCOP may occur when a resident moves to a different Regional LTCOP service area.
- F. Follow-up for referred cases
1. After a complaint has been referred, the LTCO shall determine:
 - a. resident satisfaction with the outcome of actions taken by the referral agency, including a legal services program or private attorney, and
 - b. if appropriate action has been taken by the referral agency. The LTCO should acquire a copy of any regulatory complaint investigation report issued by the referral agency, determine if an adequate investigation has been conducted, and evaluate whether to seek or recommend to the resident an appeal of the investigation. The Regional LTCOP is to notify the Office when seeking or recommending an appeal of a regulatory investigation and provide a description of the complaint and the rationale for seeking or recommending the appeal of the

regulatory complaint investigation.

- G. LTCOP activity on a complaint or case is complete allowing the complaint or case to be closed, when any of the following occurs:
1. the complaint has been resolved to the resident's satisfaction; or
 2. the LTCO has determined, after investigation, that the complaint:
 - a. cannot be verified;
 - b. was not made in good faith;
 - c. would require further activity by the LTCOP that is unlikely to produce satisfaction for the resident;
 - d. is not appropriate for LTCOP activity;
 3. the LTCOP anticipates no further response regarding the complaint from the agency to which the referral was made; or
 4. the resident requests that LTCOP activity end on the complaint.
- H. The LTCO may refer residents to a volunteer ombudsman for further follow-up and to monitor any change in circumstances, if resident consents.